

Attorney Docket No.: J3677(C)
Serial No.: 10/521,842
Filed: July 14, 2005
Confirmation No.: 1292

RESPONSE TO RESTRICTION REQUIREMENT

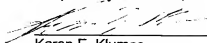
Pursuant to the Office Action of March 9, 2009, election has been required as among Groups I, II and III as set forth in the referenced Action, as well as election of a single component compound of tulsi oil from the listing of compounds set forth in claim 15 (i.e., terpinen-4-ol, linalool, eugenol, alpha-terpineol and mixtures thereof). Applicant hereby elects the Group I claims (claims 1-12, directed to a hair and/or scalp treatment composition comprising tulsi oil and a metal pyrithione) for prosecution; this election is made without traverse.

With respect to the species election, such election is believed to be moot in view of the election of the Group I claims. Further, its respectfully note that claim 14, from which claim 15 depends, reads on the use of tulsi oil or a component compound thereof. As between tulsi oil (a mixture of various component compounds) and a component compound thereof, Applicant hereby elects tulsi oil as the species on which prosecution of the application is to proceed. Claims 1 to 14 read on the elected species. Election has, however, been required as among those component compounds of tulsi oil listed in claim 15. It is respectfully submitted that if such election is being applied not just claim 15, but to all claims, it improperly deprives the Applicant of the ability to have the application examined on basis of tulsi oil (to which all of the Group I claims are drawn) being the elected species and is, therefore, respectfully traversed, and reconsideration thereof is respectfully requested. On the basis of the species election being required for claim 15, Applicant, provisionally elects, with traverse, eugenol oil as the species for prosecution (claims 14 to 16 read on such species). It is respectfully submitted that the limited number of species identified in claim 15 (which are related as component compounds of tulsi oil) does not impose an undue searching burden; moreover, as noted above, applying this election beyond claim 15 is believed to be improper and is respectfully traversed.

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The Commissioner is hereby authorized to charge any additional fees which may be required to our deposit account No. 12-1155, including all required fees under: 37 C.F.R. §1.16; 37 C.F.R. §1.17; 37 C.F. R. §1.18; 37 C.F.R. 1.136.

Respectfully submitted,



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